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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION FIVE

THE PEOPLE,

Plaintiff and Respondent,

v.

BRIAN M. BOULTER,

Defendant and Appellant.

B261224

(Los Angeles County  
Super. Ct. No. SA086855)

APPEAL from a judgment of the Superior Court of Los Angeles County.

James R. Dabney, Judge. Affirmed.

Juliana Drous, under appointment by the Court of Appeal, for Defendant and Appellant.

No appearance for Plaintiff and Respondent.

Appellant Brian M. Boulter pled no contest, following the denial of his motion to suppress evidence pursuant to Penal Code section 1538.5, to one misdemeanor count of possession of child pornography in violation of Penal Code section 311.11, subdivision (a) and one misdemeanor count of possession of a controlled substance in violation of Health and Safety Code section 11364.1, subdivision (a). The trial court placed appellant on probation for 36 months, on the condition that he serve 365 days in county jail on count 1, and 95 days on count 2, consecutive. Appellant was ordered to register as a sex offender. Appellant also admitted that he had violated his probation in Los Angeles Superior Court case number BA373986. The trial court revoked and reinstated probation in that matter, on the condition that appellant serve 460 days in county jail. Appellant had 230 days of actual custody and 230 days of good time/work time credit for a total of 460 days of custody credit.

Appellant appeals from the judgment of conviction. Finding no error, we affirm.

#### Facts<sup>1</sup>

The Los Angeles County Sheriff's Department received uncorroborated information from an anonymous source that appellant was involved in narcotics activity. Officers from the department contacted appellant's probation officer and learned that appellant was on probation in Los Angeles Superior Court case number BA373986 for possession for sale of narcotics and was subject to search conditions.

On March 19, 2014, the officers went to appellant's residence to conduct a probation search. A resident allowed them into the house and directed them to appellant's bedroom. There, they tried to open the door, discovered it was locked and knocked on it. Appellant opened the door. The officers then entered and searched the room. A K9 dog alerted to a baggie of methamphetamine and a pipe on the nightstand. Appellant was immediately arrested.

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<sup>1</sup> The facts are taken from the hearing on appellant's motion to suppress evidence.

The officers found two safes in the bedroom. Appellant gave the officers the combination of one safe, located in a closet, and stated that he did not know the combination of the other safe. The officers opened the safe from the closet and found flash drives and vials of hormones. They took the other safe to a locksmith, who opened it. Inside, they found credit cards and identification which appeared to be false. They also found appellant's driver's license. These documents were not the basis of any charges in this case.

A search of the flash drives was conducted about a week later. Although the purpose of the search was to look for evidence of narcotics activity such as pay and owe sheets, the search in fact uncovered child pornography. The Sheriff's Department also obtained a search warrant for two computers which had been found in appellant's bedroom. Evidence of child pornography was found on at least one of the computers, but was not the basis of any charges in this case.

### Discussion

Appellant moved to suppress the child pornography drives on the grounds that (1) the police obtained the combination to the safe in violation of his *Miranda*<sup>2</sup> rights and (2) the search of the drives exceeded the reasonable scope of the probation search. The trial court denied the motion, finding that the police did not violate appellant's *Miranda* rights and the seizure and search of the flash drives was within the reasonable scope of the probation search.

Appellant filed a timely notice of appeal, and we appointed counsel to represent him on appeal. Appellant's counsel filed an opening brief pursuant to *People v. Wende* (1979) 25 Cal.3d 436, and requested this court to independently review the record on appeal to determine whether any arguable issues exist.

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<sup>2</sup> *Miranda v. Arizona* (1966) 384 U.S. 436.

On May 13, 2015, we sent a notice to appellant, advising him he had 30 days in which to personally submit any contentions or issues which he wished us to consider. No response has been received from appellant to date.

We have examined the entire record and are satisfied appellant's attorney has fully complied with her responsibilities and no arguable issues exist. (*People v. Wende, supra*, 25 Cal.3d at p. 441.)

#### Disposition

The judgment is affirmed.

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KIRSCHNER, J.\*

We concur:

MOSK, acting P. J.

KRIEGLER, J.

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\* Judge of the Los Angeles Superior Court, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.